

FRANK GODFREY'S CASE.

Reply to Rep. Winston's Pertinent Question.

SENATORIAL MORNING TALK.

Tax on Legacies—Rep. Robertson's Amendments Lost—Questions Regarding Treatment of Portuguese. A Member's Opinion of the Police.

THURSDAY, April 16.

Thursday's session of the Senate lasted about twenty minutes. Communications from the House were read stating that the bill relating to the terms of the Circuit Court on Maui had been indefinitely postponed, and that a resolution had been passed providing that no new bills should be introduced after April 25, except by the Executive or a Legislative committee.

As there was no other business, the House resolution was taken up.

On motion of Senator Lyman the time limit on the introduction of new bills by members was placed at April 30.

On motion of Senator Baldwin the vote on the third reading of the live stock bill was reconsidered and the bill referred to the Committee on Commerce.

Adjourned.

House of Representatives.

A good deal of time was spent in the lower House yesterday in asking and obtaining information from the Ministers. Rep. Hanuna learned that the members of the Hawaiian Band in the United States were running an independent organization and receiving no support from the Republic. He had hardly heaved a sigh of relief at this answer when slap bang came the information that the members of the band had not taken the oath to the Republic. Until he collected his scattered thoughts and arrived at the conclusion that it was now an "even Steven," he was sad. Now Rep. Hanuna can write to his constituents that the country is safe and they may plant another court house tree.

Minister Smith's reason for not capturing Frank Godfrey's assailants in September last seemed to be entirely satisfactory to the propounder of the questions as well as to the House. Relative to this, Mr. Godfrey, through Rep. Kaeo, now seeks information as to correspondence between this Government and Minister Willis on the subject of damage claims.

Speaker Naone announced the receipt of the answers of the Minister of Foreign Affairs to the questions propounded by Rep. Hanuna, as follows:

First question—Does the Government support the members of the Hawaiian National Band now abroad?

Answer—No.

Question 2—Do the said members support or have they taken the oath of allegiance to the Government?

Answer—No.

Communications from the Senate announced concurrence of that body in House amendments to Senate Bill No. 11, relating to Chinese immigration; passage in third reading of House Bill No. 16, relating to gambling and gaming; also transmission of certified copy of Senate Bill No. 25, making regulations for buildings within the fire limits, which passed third reading in the Senate Wednesday.

Rep. Richards reported for the Printing Committee that House Bill No. 17 and House Bill No. 20, substitute for Senate Bill No. 22, had been typewritten.

Third reading of House Bill No. 17, relating to libidinous solicitations, announced on the order of the day.

Bill passed third reading unanimously.

Third reading of House Bill No. 20, relating to water rights and private ways.

Bill passed third reading unanimously.

Rep. Robertson moved that Senate Bill No. 25 be read first time by title. Carried.

Rep. Robertson moved that the bill be referred to the Printing Committee. Carried.

Rep. Richards reported that House Bills Nos. 22 and 23 had been printed. House Bill No. 22 taken for consideration, section by section. Referred to Judiciary Committee.

Under suspension of rules Rep. Haes presented the following questions to the Attorney-General:

"Why has the Attorney-General's department discriminated against the Portuguese in the matter of the late row on Punchbowl and Emma streets, by requiring bail of them, and allowing 'Tricks' Nelson, the acknowledged originator of the row, to go without bail on three charges?"

"Second—Why has your department entered nolle prosequi in the cases of police officers Espinda and Wells, without investigation, or notice to counsel assisting the prosecution, who were arrested upon legal warrants issued by Judge de la Vergne, of the District Court of Honolulu?"

Minister Smith, in answer, said that there had been no discrimination between the Portuguese and "Tricks" Nelson. The charges against the two parties were of an entirely different nature.

In relation to the row at the corner of Punchbowl and Emma streets, there

was serious interference of certain Portuguese with the police officers on duty there. Arrests were made. The matter is pending investigation now. Pending such investigation warrants were sworn out against police officers concerned by certain Portuguese. Such action makes confusion in the case before the Court. The whole matter will be thoroughly investigated and if any officer is found to have overstepped his authority he will be attended to.

Rep. Kaeo—Was "Tricks" Nelson let out without bail on the evening of the row?

Minister Smith—I cannot answer that question. The offense of Nelson was of very much less magnitude. He was arrested before the Portuguese were brought in, also.

Rep. Robertson said the difficulty was in the Attorney-General's department. The statements of officers were taken as Gospel truth and they were allowed to go free, while innocent people were punished. In cases of ruffianism on the part of the police officers, these men were seldom even reprimanded. Rep. Robertson referred to a receipt case of the kind at the corner of Fort and Berea streets, where the circus tent used to stand. Two people got into a row. Two policemen on duty at the place jumped in and struck about wildly, hitting people right and left. In this confusion the principals in the fight escaped and two reputable young men, entirely innocent, were arrested, roughly handled, taken to the receiving station and after some time allowed to go on their own recognizance. The case was brought up in the District Court, and after two or three postponements, finally nolle prosequi because it had probably been learned that the young men had nothing at all to do with the affair. The policemen concerned are still on the force. They should have been tried for assault and battery and dismissed from the force.

Rep. Robertson cited another case of one of the officers against whom complaints have been made, and a poor old drunken man. The latter was marched down to the police station and just before entrance at the door he was struck in the back of the neck by the police officer. It is a fact that police officers can do almost anything they like, and yet go free. They can treat people in all sorts of outrageous ways and still go unpunished while innocent people are prosecuted.

Minister Smith to Rep. Robertson—Did you report the case to the Marshal's department?

Rep. Robertson—I did not consider it my duty to report the case. There were other police officers who saw the whole thing.

Minister Smith said that the policemen on a whole were a patient and faithful set of men. Perhaps there were cases of ruffianism, but there were such in every country. Rep. Robertson should have reported the case. The word of police officers was not always taken. In regard to the row on the corner of Emma and Punchbowl streets, there were responsible parties present who saw the whole affair. Among these was President Dole, who gave the order to the police to clear the streets.

Rep. Kaeo propounded the following questions to the Minister of Foreign Affairs:

"First—Has there been any correspondence between the American Minister Resident, A. S. Willis, and the Department of Foreign Affairs, Republic of Hawaii, on matters pertaining to any claim for damages by Mr. Frank Godfrey against the Republic of Hawaii?"

"Second—Has there been any correspondence between the department and the Secretary of State of the United States of America regarding any such claim?"

Minister Smith made answer to the question recently propounded by Rep. Winston, as follows:

"In reply to the questions propounded by Rep. Winston in relation to the action taken by the Government to ascertain who were guilty of committing the assault upon Mr. Frank Godfrey, in Honolulu, on the 17th of September, 1895, I would state:

"That upon learning of the outrage committed upon Mr. Godfrey, the Marshal immediately began to make investigations to obtain evidence as to who were the guilty parties. He conferred with me upon the subject and in view of the manner in which the offense had been committed, and the circumstances surrounding the case, we both deemed it best to work quietly and seek to solve the mystery.

"Both the Marshal and I endeavored to ascertain from Mr. Godfrey if he could give any information upon the subject.

"I first heard of the matter on the morning after the night upon which he was assaulted, and although my time and attention were very much engaged with matters connected with the cholera epidemic which then prevailed, I went to Mr. Godfrey's residence in Kapalama in the afternoon of that day, and sought to obtain information upon the subject.

"I expressed my regret at the occurrence, and desire to apprehend the offender, and asked if he knew who the parties were, or could give any information which would assist in ascertaining who they were.

"He seemed very unwilling to make any statement about the matter, but after repeated inquiries he said: 'I have my ideas about it, and may tell some time.' After urging upon him the importance of giving all the information he had, or making suggestions which might assist the officers, he reiterated that he 'might sometime tell.'

"I asked him if there was anything about the appearance or size of the parties, or their voices, which gave any clue as to who they were, he repeated his former reply, but finally said, 'they are not far from your office.'

"After some further conversation I left him, saying that whenever he had anything to communicate upon the subject, or learned anything further as to the identity of the parties, I would be very glad if he would inform us.

"The Marshal informed me that he also called upon Mr. Godfrey and his experience with him was very similar to my own.

"The Marshal and his officers made diligent effort to obtain evidence upon the subject, but never obtained any which would justify making arrests.

"No reward was offered for the detection of the parties. The circumstances of the case were such that it did not seem likely that offering a reward would induce any one connected with the affair to give evidence.

"Efforts are still being made to obtain knowledge of the identity of persons who committed the assault.

"As to the 'buried alive' posters, I would state that efforts were made to discover the author of those posters, but without satisfactory result. There were those who asserted their belief that Mr. Godfrey was the author, but proof of this was not obtained."

A communication from the Senate announced passage with amendment of the concurrent resolution regarding the introduction of bills into the Legislature. The limit of introduction was set for April 30th, instead of April 25th, the date adopted by the House. A motion that the House concur in the action of the Senate carried.

Second reading of House Bill No. 23, an Act to amend the Session Laws of 1892, in regard to legacies, etc., passed and was referred to the Printing Committee.

Rep. Robertson—The law of 1892 required tax of 5 per cent. on all estates exceeding \$500, but the law made several exceptions: It would only be in cases of bequests to distant relatives or strangers. The Ministers brought in a bill for still further exceptions. We are of the opinion that it is better to subtract from than to add to the exceptions. If the amendments are made the law will not work harshly and will tend to increase the revenue. I move the motion pass.

Rep. Winston—Why should charitable societies be exempt? It seems to me that where they get funds so cheaply that they should be willing to pay something to the Government by way of tax. I move that they be included.

Min. Smith—It seems to me there is more in taxing inheritances to brothers and sisters than to grandchildren. I move that grandchildren be exempt for it is a manifest injustice to allow a brother or sister to be exempt and the grandchildren be taxed. It sometimes happens that the parents have to support the children and sometimes, too, the grandchildren have to support their parents. It is their duty more than the brothers and sisters, and I think it is more fair to exempt them than brothers and sisters.

Rep. Robertson—I think it would be a great mistake to insert grandchildren. What we want is an increased revenue. Why should not every one pay the tax? It is something they acquire for little or nothing. I am in favor of taking out corporations and institutions. They sometimes fall into vast wealth, and it strikes me they should be willing to pay the tax. I certainly object to exempting grandchildren.

Min. Smith—I will agree to Mr. Winston's motion when the Government is in a position to exempt those institutions from ordinary taxation. They are not money-making bodies, but are for the purpose of assisting others.

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"Mr. Godfrey has never called upon me since in relation to the matter, nor have I heard of his offering any assistance in seeking to ascertain who the guilty parties were.

"The Marshal and his officers made diligent effort to obtain evidence upon the subject, but never obtained any which would justify making arrests.

"No reward was offered for the detection of the parties. The circumstances of the case were such that it did not seem likely that offering a reward would induce any one connected with the affair to give evidence.

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Min. Smith—I will agree to Mr. Winston's motion when the Government is in a position to exempt those institutions from ordinary taxation. They are not money-making bodies, but are for the purpose of assisting others.

Rep. Winston—The fact that the institutions pay no ordinary tax is the best argument to have them pay inheritance tax.

Motion to exempt grandchildren carried.

Rep. Robertson moved that institutions and corporations exempt by law from other taxation be inserted as liable to inheritance tax.

Rep. Bond thought the charitable institutions are a benefit to the public but because we give one loaf of bread is there a necessity for giving a second? As has been said before, the legacies came to them free and it would not be a source of expense to them.

Minister Smith—If this amendment should operate, a legacy of \$5,000 to Kawaiahao Seminary would be subject to a tax of 5 per cent. If a man should give it during his life-time it would be free.

Rep. Hanuna—I am in favor of retaining those societies in the bill. The officers perform their duties free and the Government should not aim to put that expense upon them. The Government does not have to pay out for education of children as it otherwise would.

Amendment by Robertson lost.

Rep. Robertson moved that the section be indefinitely postponed. The Legislature of 1892, in its wisdom, enacted a law which would increase the revenue. The Legislature of 1896, in its ignorance, is trying to tear that to pieces and establish ridiculous methods of taxation. Instead of increasing the revenue by wise methods they are reducing it by foolish ones.

Rep. Hanuna—I move the section pass as amended. The Legislature of 1892 may have been a wise one, but we know that it passed one law that upset the whole kettle of milk.

Rep. Bond—I do not think that this is a retrogression. This is a better law than the old one. If we must choose between grandchildren and societies mentioned here I am in favor of the grandchildren. When it came to a vote I was doubtful about striking out societies because the Attorney-General's remarks put new light on the subject. I move now to strike out everything but churches.

Motion to indefinitely postpone lost. Passed as in the bill.

Building Improvement.

Preparations for a New Block on King Street—Austin Estate.

The rear portion of the old frame building next the Metropolitan Meat Company is being torn down to enable the meat company to build a new foundation wall and allow the erection of a larger show room for the meat company.

The building belongs to the Austin estate and was erected over thirty years ago. For a long time the second floor was used as a paint shop and studio by George Stratemeyer. He gave up the place about four years ago because of its dilapidated condition, and a constant fear he had of falling through the floor. The lower front room is used as a fruit store by a Chinaman.

The Austin heirs will be here in June, and it is expected that arrangements will be completed then for the erection of a new block from the meat company's store to Philip's harness shop.

By the change now being made the meat company will have a store eight feet larger than it now is. When finished, new blocks and marble-top tables will be put in and the place generally improved.

Valuable Properties.

Henry Waterhouse Offers for Sale Lots, Hotels and Dwellings.

In another column Mr. Henry Waterhouse calls attention to a lot of desirable dwellings and building lots which he offers for sale on easy terms.

The new Queen Hotel and the well known Eagle House are among the number, and should not remain long without a purchaser. Mountain View, another desirable spot, is offered, together with several acres of good land. This place is commended to persons who prefer a home within easy access of the city, yet away from the noise, rice and taro land, Peninsula property and Pearl City lots complete the list.

U. S. S. Concord Arrives.

The U. S. S. Concord, the sister ship to the U. S. S. Bennington, and of which Captain J. E. Craig is commander, arrived in port yesterday morning, 16 days from Yokohama. Pleasant weather, with the exception of two or three days, was the experience of the Concord. She is bound home for San Francisco, for which port she will sail after taking on about 200 tons of coal. Following is a list of the Concord's officers, some of whom have been here before on other men of war: J. E. Craig, Commander; E. S. Prime, Executive Officer; Lieutenant G. A. Merriam, Navigator; G. W. Stivers, Chief Engineer; W. A. McClure, Surgeon; H. J. McFarlane, Ensign; E. B. Webster, Paymaster; W. A. Shute, Pay clerk; Lieutenants, W. S. Hoog, E. Simpson and W. A. Gill.

Funeral of F. C. Lowrey.

The funeral of the late Frederick Canfield Lowrey took place yesterday afternoon from the residence of W. R. Castle at Makiki, Rev. D. P. Birnie officiating. The remains were interred in Nuuanu cemetery. The pall-bearers were Messrs. J. B. Castle, Wichman, Benner, French, Harris and A. F. Cooke.

Jack Stelling's Horse.

Senator Northrup was out driving with Jack Stelling yesterday behind "Billy Button." The Senator was well pleased with the result, which, according to his Waterbury, was 2:15 around the track. The Senator believes that if Stelling continues driving along the Waikiki road at night, and has his Chinaman double the thickness of the leg bandages, he may get the time down low enough to enter Button for the June races. This, of course, is only Senator Northrup's opinion. Stelling believes he has a sure winner if he can get the lameness out of the horse; but as he goes lame only in one gait he doesn't know which to treat first, the gait or the lameness.

Hawaiian Woods.

An Eastern lumberman says there is a good opening on the Sound for a hardwood veneer plant. Besides our native woods, he says, Central American, Samoan and Hawaiian woods can be very cheaply secured, made into veneer here and disposed of in the East at a handsome profit.—Everett (Wash.) Herald.

Those who are troubled with rheumatism should try a few applications of Chamberlain's Pain Balm, rubbing the parts vigorously at each application. If that does not bring relief, dampen a piece of flannel with Pain Balm and bind it on over the seat of pain and prompt relief will surely follow. For sale by all druggists and dealers. Benson, Smith & Co., agents for Hawaiian Islands.

FAVORS INCOME TAX.

T. H. Davies Enters the Arena of Taxation.

HOW ENGLAND MANAGES IT

Would Touch the "Sugar Barons" Properly—Relieve Coffee Planters From Unnecessary Burdens—Inequality of License—Chinese and Japanese.

MR. EDITOR:—The subject of taxation is very distinctly the question of the hour, and it is a question which is of vital interest to every citizen of every country. For years it has been my conviction that if there was one country better suited than another for the laying of an income tax, that country was Hawaii; but I have usually been met with the assertion that the income tax was too inquisitorial for introduction here. For myself, I can conceive of nothing more inquisitorial, more unfair and more generally unsatisfactory than the present property tax, even as it is proposed to be, with a number of vexatious and apparently more or less vindictive licenses on the small tradesmen.

The outcry against the corporations and firms which conduct so much of the business of the country, on the ground that their capital exceeds the amount upon which they are assessed, is absurd, because the law distinctly provides that all property that can be got out of the country by the 30th of June, or that can be kept out of the country until the 2d of July, shall be exempt from taxation. No change in the date of assessment will alter the fact that this property, which is not in the country upon that date, will be free from taxation, and every business house will govern itself accordingly.

The inequality of the present tax is manifest when we see that a man who invests his capital in feed and flour, and turns his stock over every sixty days, can plan to have nearly all his property out of the country when assessment day comes; whereas one who invests the same amount in cement or railway iron may find his stock on hand and assessed from one year to another.

The income tax is based on the principle that every man should contribute to the expenses of the nation in proportion to the income which he receives under the protection of the nation. An income tax would find every single man and tax him fairly, and I venture to think that a good many besides the "bold, bad sugar barons" would realize the change.

The ordinary rate in England is sixpence in the pound—say 2½ per cent. on every income. All incomes not over \$800 are exempt, and all incomes not over \$2,500 are allowed an exemption of \$800. No man pays twice on the same item, and the procedure is as follows:

First—Corporations pay 2½ per cent. on all their dividends and interest bonds, and the proportion is deducted from each share or bond holder.

Second—Business houses pay on each year's profits; or if they prefer, they pay on the average profits of the last three years.

Third—Every householder and other assessable individual pays on the income he receives from every other source than those which have paid under First and Second.

Persons living out of England pay the same tax on income arising in England as they would pay if living in England, and on this principle even the "sugar barons" would be caught, as they deserve to be. No officer of the army or navy, no government official at home or abroad, escapes the income tax. The doctors and lawyers, and even the well-to-do, pay on their incomes instead of on their property, and this seems to me to be more equitable than licensing and taxing men whose property, in spite of their industry, brings them no income.

There are two principles which in England are regarded as essential principles with the income tax.

First—The tax list is absolutely confidential and kept secret.

Second—Whatever rate is fixed applies to all incomes, except the exemptions I have named. Otherwise a small holder of shares in a large corporation might be unfairly taxed because there were many larger holders of the same shares.

Besides the income tax, there is a land tax, payable by the owner as distinct from the occupier of land; but I am not familiar with its provisions.

If an income tax were levied here, I should suggest that corporations pay on an average of the dividends of three years, so as to equalize the revenue; also I would recommend that incomes up to \$2,000 be exempt, and that incomes up to \$4,000 be entitled to a deduction of \$2,000.

In order to meet the Chinese and Japanese difficulty, it might be necessary to allow them the option of keeping their accounts in English or of paying the property tax as heretofore.

I am confident that an income tax would be found very much simpler than the present system; and being based upon figures rather than upon estimates, it would obviate much of the friction, the disputes and appeals that characterize the assessment of the property tax.

There are struggling men and boys, honestly and earnestly putting their life and strength into coffee lands, and every stroke of work they put in adds to the "property" for which they are to be taxed, and they will have to borrow the money to pay the tax. Surely a property tax is a cruelty and a mockery to such men.

I am, sir, your obedient servant.

THEO. H. DAVIES.

Craigside, April 14th, 1896.

LOCAL BREVITIES.

The engagement of Miss Blanche Cornwell to J. S. Walker is announced.

Henry E. Cooper, Esq., has been appointed a member of the Board of Education for a term of three years.

It is said that among the petitions favoring Sunday target-shooting, certain individuals are signing twice and three times in order to swell the number.

The Manufacturers' Shoe Company have just received several hundred pairs of leggings, specially tanned, the best line ever brought to the islands. They are sole agents for these goods.

In the case of Lieutenant C. B. Wells of the Mounted Patrol, for assault with a deadly weapon upon one Abren, who supposed himself within at least a quarter of a mile of the bullet fired into the ground, a nolle prosequi was entered and defendant discharged.

The Gay-Hart nuptials will take place at the Hart residence, Waikiki, on Friday instead of Thursday, as announced in yesterday's Advertiser. Only the immediate family of Judge Hart and the groom's brother, Charles Gay, will be present. The couple will leave for Kauai the same day.

The barkentine S. G. Wilder, McNeill master, arrived yesterday morning, 28 days from San Francisco. For ten days the vessel was in sight of the islands but could not make port on account of a succession of calms. She brought 300 hogs on deck and 30 mules, besides a cargo of general merchandise. The Wilder is at the railroad wharf.

BY AUTHORITY.

Office of the Board of Health, Honolulu, April 13, 1896.

The President has this day appointed CHARLES A. BROWN, Esq., a member of the Board of Health. The Board now consists of:

F. R. Day, M. D.
N. B. Emerson, M. D.
L. D. Kellipio, Esq.
C. B. Wood, M. D.
T. F. Lansing, Esq.
C. A. Brown, Esq.

CHARLES WILCOX, Secretary Board of Health. 4278-3t 1751-3t

Mr. M. ALOIAU has this day been appointed Pound Master for the Government Pound at Heia, in the District of Koolapoko, Island of Oahu, vice D. M. KAPALAU, resigned.

J. A. KING, Minister of the Interior. Interior Office, April 15, 1896. 1751-3t

Mr. J. W. KAPOLOLU has this day been appointed an Agent to Grant Marriage Licenses for the District of Hamakua, island of Hawaii.

J. A. KING, Minister of the Interior. Interior Office, April 13, 1896. 1751-3t

HENRY J. LYMAN, Esq., has this day been appointed a member of the Road Board for the taxation district of Puna, Island of Hawaii, vice R. A. Lyman, Esq., resigned.

The Board now consists of: J. W. Mason, Chairman. H. R. Rycroft. Henry J. Lyman.